

4460. Misbranding of "Cooper's New Discovery" and "Cooper's Quick Relief." U. S. v. Cooper Medicine Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. 6493. I. S. Nos. 9311-e, 9312-e.)

On January 3, 1916, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cooper Medicine Co., a corporation, doing business at Dayton, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 7, 1913, from the State of Ohio into the State of Colorado, of quantities of articles of drugs known respectively as "Cooper's New Discovery" and "Cooper's Quick Relief," which were misbranded.

The "New Discovery" was labeled: (On carton) "Cooper's New Discovery 20 per cent Alcohol Guaranteed by The Cooper Medicine Co. under the Food and Drugs Act, June 30, 1906. Serial No. 322 L. T. Cooper None Genuine Without the Above Portrait & Signature. A Tonic and System Purifier A Treatment For Diseases of Stomach, Liver and Kidneys. Price \$1.00 Six Bottles for \$5.00." (On back of carton) "Cooper's New Discovery Is the medicine introduced with such remarkable success in the leading cities of the United States Cooper's New Discovery is a trade name and is fully protected by U. S. Laws. Beware of Imitations. The Cooper Medicine Co. Sole Proprietors Dayton, Ohio. U. S. A." (On sides of carton) "To Obtain the Best Results From This Medicine, Follow Directions and Recommendations on Enclosed Circular. In all cases of Rheumatism, Lamé or Weak Back, Catarrh, Headache, Neuralgia, Dysentery, Diarrhœa, Cholera Morbus, Cramps or Colic, Cooper's Quick Relief is the Assistant Remedy, and should be used in connection with the New Discovery." (On bottle) "Cooper's New Discovery 20% Alcohol Guaranteed by The Cooper Medicine Co. under the Food and Drugs Act, June 30, 1906. No. 322. Tonic and System Purifier. A treatment for diseases of the Stomach, Liver and kidneys which manifest themselves in the following forms: Catarrh, Indigestion or Dyspepsia, Biliousness, Costiveness, Rheumatism, Scrofula and so-called Blood Diseases, Chills, Fevers and Nervousness. In all cases of Rheumatism, Lamé or Weak Back, Catarrh, Headache, Neuralgia, Pleurisy, Dysentery, Diarrhœa, Cholera Morbus, Cramps or Colic, Cooper's Quick Relief is the assistant remedy and should be used in connection with the New Discovery. Directions: Shake well before using. Take tablespoonful before meals. For a mild laxative you should also take a wine glass full before retiring. To children from a quarter to one teaspoonful. Prepared and Guaranteed only by The Cooper Medicine Co., Dayton, Ohio, U. S. A." (Blown in bottle) "Cooper's New Discovery." The circular or pamphlet accompanying the article contained, among other things, the following: "Cooper's New Discovery, A Splendid Remedial Agent For The Stomach, Kidneys, Liver and Bowels. Efficacious for Diseases of the Blood, and Flesh Builder." "Rheumatism Rheumatism is never permanently eradicated till the blood has been purified and the sluggish system aroused to better action, and this is exactly what Cooper's New Discovery does. It thoroughly cleanses the blood and renovates the system by neutralizing the acids and expelling from the system all acid matter. Cooper's New Discovery enriches and invigorates the blood, improves the circulation and builds up and nourishes the weak, diseased nerves. Cooper's New Discovery also acts as a tonic, and as the general health improves, rheumatic pains become less frequent and gradually cease altogether." "It is the thin, acid blood that is so easily chilled by the cold and affected by every ill wind and change in the weather. Rheumatism and poor blood are inseparable. The surest way to get rid of rheumatism is to restore the blood to a normal, healthy state. Cooper's New Discovery, which possesses both purifying and tonic properties, is just what is

required." "Cooper's Quick Relief (liniment) should be used externally in all cases of rheumatism to relieve the pain and reduce the swelling. The liniment should be applied to the affected parts and rubbed in freely. Fifteen minutes' brisk rubbing with the liniment should be continued two or three times a day until all pain or swelling has disappeared. Where convenient, sore or swollen parts should be wrapped in a hot cloth saturated with Quick Relief."

"Bad Blood" Whether inherited or acquired, manifested by abscesses, boils, pimples and other cutaneous eruptions, has been found to yield to the alterative action of Cooper's New Discovery. Its use should be continued until the disease is completely eradicated, leaving the blood pure and healthy."

"Catarrh" Thousands have catarrh and are not aware of it. The human body is a delicate and therefore very sensitive organization. A thin covering known as the skin, protects the mucous membrane, which lines the internal structure and is in direct sympathy with all the various nerves, tissues and vessels that constitute the system of life. Any disturbance to this membranous lining is a signal of distress to those organs nearest the location of attack. The head, the throat, the lungs, the stomach, the bowels, the kidneys, the liver, the bladder, are all susceptible to the influence of the mucous membrane. The pelvic organs of the female are subject to it, thus causing what is generally known as female complaints. Wherever these disturbances are located, the disease is the same—catarrh. No matter where located, there is no safer remedy for this than Cooper's New Discovery."

"Kidney Complaints" Kidney diseases are generally found in persons whose blood is impoverished or impure, and whose nerves have not sufficient power or force to make the kidneys perform their proper function. The duty of the kidneys is to filter the blood, and when this fluid is filled with uric acid and malarial poisons they become over burdened with extra work. Kidney complaints usually commence with cold chills especially in the back and loins, followed with fever and pain. The pain extends to the bladder, loins and thighs. The urine becomes highly colored or extremely light. It sometimes looks red or bloodlike, with a brick-dust sediment after standing, or it may be stringy or milky and filled with albumen, the most vital element of the body. When these conditions are allowed to continue they result in one or more of the following diseases: Backache, Weak Back, Rheumatism, Gout, Diabetes, Bright's Disease, Gravel, Irritation of the Bladder, Scalding of the Urine, Swelling of the Ankles, Dropsy, or some other form of kidney or Urinary trouble. Cooper's New Discovery stimulates the secreting cells, neutralizes the poisonous acids and causes the morbid matter in the blood to be excreted. Cooper's Quick Relief (Liniment) Is The Assistant Remedy and Should Be Used in Connection With Cooper's New Discovery in all cases of Rheumatism, Lameness or Weak Back, Catarrh, Headache, Neuralgia, Dysentery, Diarrhoea, Cholera Morbus, Cramps or Colic. Price 50 Cents a Bottle."

Analysis of a sample of this article by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 cc)	12.08
Ash (gram per 100 cc)	0.50
Reducing sugars (grams per 100 cc)	8.10
Sucrose (gram per 100 cc)	0.19
Alkalinity of ash (cc per 100 cc)	66.8
Alcohol (per cent by volume)	20.48
Test for emodin: Positive.	
Qualitative test for aloes: Positive.	
Test for salicylates: Negative.	

Odor indicates a small quantity of oil of sassafras.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On bottle) "Cooper's New Discovery * * * a treatment for diseases of the * * * kidneys * * * catarrh, rheumatism, scrofula and so-called blood diseases * * * Cooper's Quick Relief (Liniment) Is The Assistant Remedy and Should Be Used in Connection With Cooper's New Discovery in all cases of Rheumatism * * * Catarrh * * * Pleurisy, Dysentery, * * * Cholera Morbus * * *," and included in the pamphlet or circular aforesaid, to wit, "Cooper's New Discovery a splendid remedial agent for the * * * Kidneys, Efficacious for Diseases of the Blood. Rheumatism is never permanently eradicated till the blood has been purified and the sluggish system aroused to better action and this is exactly what Cooper's New Discovery does. It thoroughly cleanses the blood * * *. The surest way to get rid of rheumatism is to restore the blood to a normal healthy state. Cooper's New Discovery is just what is required. Cooper's Quick Relief (liniment) should be used externally in all cases of rheumatism," "Bad Blood, whether inherited or acquired * * * has been found to yield to the alterative action of Cooper's New Discovery. Its use should be continued until the disease is completely eradicated," "Catarrh * * * no matter where located there is no safer remedy for this than Cooper's New Discovery," "Kidney Complaints * * * result in one or more of the following diseases: * * * Rheumatism, Gout, Diabetes, Bright's Disease, Gravel, * * * Dropsy * * * Cooper's New Discovery stimulates the secreting cells neutralizes the poisonous acids and causes the morbid matter in the blood to be excreted," "Cooper's Quick Relief is the Assistant Remedy and Should Be Used in Connection With Cooper's New Discovery in all cases of Rheumatism * * * Catarrh * * * Dysentery, Cholera Morbus * * *," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a treatment for diseases of the kidneys, for scrofula, and so-called blood diseases, effective when used in connection with "Cooper's Quick Relief" as a treatment for rheumatism, catarrh, pleurisy, dysentery and cholera morbus, as a remedy for kidney diseases, for diseases of the blood, effective in cleansing the blood, in restoring the blood to a normal healthy state, as a cure for bad blood, whether inherited or acquired, as a remedy for gout, diabetes, Bright's disease, gravel, and dropsy, and effective when used in connection with "Cooper's Quick Relief," as a remedy for rheumatism, catarrh, dysentery, and cholera morbus, when, in truth and in fact, it was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

The "Quick Relief" was labeled: (On bottle) "Copper's Quick Relief 30% Alcohol. Guaranteed under the Food and Drugs Act, June 30, 1906 No. 322. A Remedy for affording instant relief to Sprains, Bruises, Cuts, Burns, or Scalds; Earache, Toothache, Chilblains, Frosted Feet, Lameness, Pains in various parts of the body. This remedy should be used in connection with Cooper's New Discovery in all cases of Rheumatism, Neuralgia, Headache, Dizziness, Catarrh, Pleurisy, Colic, Cramps, Cholera Morbus, Diarrhoea, Dysentery, Etc., Directions: * * * Prepared only by The Cooper Medicine Co. Dayton, Ohio, U. S. A." (On carton) "Cooper's Quick Relief. 30% Alcohol Guaranteed under the Food and Drugs Act, June 30, 1906, No. 322. L. S. Cooper None Genuine Without the Above Portrait & Signature. The Great Pain Medicine. Manufactured

only by The Cooper Medicine Co. Sole Proprietors, Dayton, Ohio. For Toothache, Earache, Frosted Feet, Chilblains, Sore Throat, Lumbago, Sprains, Bruises, Cuts, Burns, and Scalds. This preparation should be used as an assistant remedy for Cooper's New Discovery for the following diseases: Rheumatism, Lamé or Weak Back, Catarrh, Headache, Neuralgia, Sciatica, Pleurisy, Dysentery, Diarrhœa, Cholera Morbus, Cramps, Colic. The Cooper Medicine Co., Sole Proprietors, Dayton, Ohio, U. S. A. For External and Internal Use. Price 50 cents." The circular or pamphlet accompanying this article contained, among other things, the following: "Cooper's Quick Relief for external and internal use guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 322, instantly relieves pain. If you have an ache or pain in any part of your body, Cooper's Quick Relief should be applied and rubbed in briskly at the seat of trouble, and it will invariably afford immediate relief." "Cooper's Quick Relief will limber up your stiff joints, and remove the soreness and inflammation from your limbs and muscles." "If the children are suddenly attacked with Croup, you have an excellent remedy, and it will save lots of worry and care. If applied immediately in cases of accident, such as Burns, scalds or Bruises, it will allay the pain and prevent the injured parts from becoming inflamed. Cooper's Quick Relief is splendid Embrocation for Athletes to be used as a 'Rub-down' after any exertion."

Analysis of a sample of the "Quick Relief" by the said Bureau of Chemistry showed the following results:

Solids (gram per 100 cc)-----	0.32
Ash (gram per 100 cc)-----	0.04
Alcohol (per cent by volume)-----	31.35
Chloroform: Negative.	
Capsicum: Positive.	

This product is a dilute alcoholic solution of capsicum flavored with oil of sassafras.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On bottle) "A remedy for affording instant relief to sprains * * *," and included in the circular or pamphlet aforesaid, to wit, "Cooper's Quick Relief * * * instantly relieves pain * * * if you have an ache or pain in any part of your body Cooper's Quick Relief will afford immediate relief. If the children are suddenly attacked with croup you have an excellent remedy * * *. If applied immediately in cases of accident * * * such as burns, scalds * * * it will * * * prevent the injured parts from becoming inflamed," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for affording instant relief to sprains, as an instant relief for pain, and for the relief of pain in every part of the body, as a remedy for croup, and effective for preventing injuries due to burns and scalds from becoming inflamed, when, in truth and in fact, it was not so composed, and did not contain such ingredients or medicinal agents.

On January 5, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*